

FIRST REGULAR SESSION

# SENATE BILL NO. 291

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 17, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1374S.02I

## AN ACT

To repeal sections 160.400, 160.405, 160.415, and 160.420, RSMo, and to enact in lieu thereof four new sections relating to charter schools.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 160.400, 160.405, 160.415, and 160.420, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 160.400, 160.405, 160.415, and 160.420, to read as follows:

160.400. 1. A charter school is an independent public school.

2 2. Charter schools may be operated [only in a metropolitan school district  
3 or in an urban school district containing most or all of a city with a population  
4 greater than three hundred fifty thousand inhabitants and] **in any school  
5 district in Missouri. Charter schools operated in a metropolitan school  
6 district or in an urban school district containing most or all of a city  
7 with a population greater than three hundred fifty thousand  
8 inhabitants** may be sponsored by any of the following:

9 (1) The school board of the district;

10 (2) A public four-year college or university with its primary campus in the  
11 school district or in a county adjacent to the county in which the district is  
12 located, with an approved teacher education program that meets regional or  
13 national standards of accreditation;

14 (3) A community college located in the district; or

15 (4) Any private four-year college or university located in a city not within  
16 a county with an enrollment of at least one thousand students, and with an  
17 approved teacher preparation program.

18 **Charter schools not operated in a metropolitan school district or in an**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 **urban school district containing most or all of a city with a population**  
20 **greater than three hundred fifty thousand inhabitants may only be**  
21 **sponsored by the school board of the school district in which they are**  
22 **operated.**

23           3. The mayor of a city not within a county may request a sponsor under  
24 subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a  
25 "workplace charter school", which is defined for purposes of sections 160.400 to  
26 160.420 as a charter school with the ability to target prospective students whose  
27 parent or parents are employed in a business district, as defined in the charter,  
28 which is located in the city.

29           4. No sponsor shall receive from an applicant for a charter school any fee  
30 of any type for the consideration of a charter, nor may a sponsor condition its  
31 consideration of a charter on the promise of future payment of any kind.

32           5. The charter school shall be a Missouri nonprofit corporation  
33 incorporated pursuant to chapter 355. The charter provided for herein shall  
34 constitute a contract between the sponsor and the charter school.

35           6. As a nonprofit corporation incorporated pursuant to chapter 355, the  
36 charter school shall select the method for election of officers pursuant to section  
37 355.326 based on the class of corporation selected. Meetings of the governing  
38 board of the charter school shall be subject to the provisions of sections 610.010  
39 to 610.030, the open meetings law.

40           7. A sponsor of a charter school, its agents and employees are not liable  
41 for any acts or omissions of a charter school that it sponsors, including acts or  
42 omissions relating to the charter submitted by the charter school, the operation  
43 of the charter school and the performance of the charter school.

44           8. A charter school may affiliate with a four-year college or university,  
45 including a private college or university, or a community college as otherwise  
46 specified in subsection 2 of this section when its charter is granted by a sponsor  
47 other than such college, university or community college.

48 Affiliation status recognizes a relationship between the charter school and the  
49 college or university for purposes of teacher training and staff development,  
50 curriculum and assessment development, use of physical facilities owned by or  
51 rented on behalf of the college or university, and other similar purposes. The  
52 primary campus of the college or university must be located within the county in  
53 which the school district lies wherein the charter school is located or in a county  
54 adjacent to the county in which the district is located. A university, college or

55 community college may not charge or accept a fee for affiliation status.

56 9. The expenses associated with sponsorship of charter schools shall be  
57 defrayed by the department of elementary and secondary education retaining one  
58 and five-tenths percent of the amount of state and local funding allocated to the  
59 charter school under section 160.415, not to exceed one hundred twenty-five  
60 thousand dollars, adjusted for inflation. Such amount shall not be withheld when  
61 the sponsor is a school district or the state board of education. The department  
62 of elementary and secondary education shall remit the retained funds for each  
63 charter school to the school's sponsor, provided the sponsor remains in good  
64 standing by fulfilling its sponsorship obligations under sections 160.400 to  
65 160.420 and 167.349 with regard to each charter school it sponsors, including  
66 appropriate demonstration of the following:

67 (1) Expends no less than ninety percent of its charter school sponsorship  
68 funds in support of its charter school sponsorship program, or as a direct  
69 investment in the sponsored schools;

70 (2) Maintains a comprehensive application process that follows fair  
71 procedures and rigorous criteria and grants charters only to those developers who  
72 demonstrate strong capacity for establishing and operating a quality charter  
73 school;

74 (3) Negotiates contracts with charter schools that clearly articulate the  
75 rights and responsibilities of each party regarding school autonomy, expected  
76 outcomes, measures for evaluating success or failure, performance consequences,  
77 and other material terms;

78 (4) Conducts contract oversight that evaluates performance, monitors  
79 compliance, informs intervention and renewal decisions, and ensures autonomy  
80 provided under applicable law; and

81 (5) Designs and implements a transparent and rigorous process that uses  
82 comprehensive data to make merit-based renewal decisions.

83 10. No university, college or community college shall grant a charter to  
84 a nonprofit corporation if an employee of the university, college or community  
85 college is a member of the corporation's board of directors.

86 11. No sponsor shall grant a charter under sections 160.400 to 160.420  
87 and 167.349 without ensuring that a criminal background check and child abuse  
88 registry check are conducted for all members of the governing board of the charter  
89 schools or the incorporators of the charter school if initial directors are not named  
90 in the articles of incorporation, nor shall a sponsor renew a charter without

91 ensuring a criminal background check and child abuse registry check are  
92 conducted for each member of the governing board of the charter school.

93         12. No member of the governing board of a charter school shall hold any  
94 office or employment from the board or the charter school while serving as a  
95 member, nor shall the member have any substantial interest, as defined in  
96 section 105.450, in any entity employed by or contracting with the board. No  
97 board member shall **be selected by or** be an employee of a company that  
98 provides substantial services to the charter school. All members of the governing  
99 board of the charter school shall be considered decision-making public servants  
100 as defined in section 105.450 for the purposes of the financial disclosure  
101 requirements contained in sections 105.483, 105.485, 105.487, and 105.489.

102         13. A sponsor shall provide timely submission to the state board of  
103 education of all data necessary to demonstrate that the sponsor is in material  
104 compliance with all requirements of sections 160.400 to 160.420 and 167.349.

105         14. **A sponsor shall develop policies and procedures for the**  
106 **review of a charter school proposal and the awarding of a charter,**  
107 **including procedures to be used when a charter school closes, for the**  
108 **transfer or repository of student records, and for the disposition of the**  
109 **charter school's assets.**

110         15. The state board of education shall ensure each sponsor is in  
111 compliance with all requirements under sections 160.400 to 160.420 and 167.349  
112 for each charter school sponsored by any sponsor. The state board shall notify  
113 each sponsor of the standards for sponsorship of charter schools, delineating both  
114 what is mandated by statute and what best practices dictate.

115 The state board, after a public hearing, may require remedial action for a sponsor  
116 that it finds has not fulfilled its obligations of sponsorship, such remedial actions  
117 including withholding the sponsor's funding and suspending for a period of up to  
118 one year the sponsor's authority to sponsor a school that it currently sponsors or  
119 to sponsor any additional school. If the state board removes the authority to  
120 sponsor a currently operating charter school, the state board shall become the  
121 interim sponsor of the school for a period of up to three years until the school  
122 finds a new sponsor or until the charter contract period lapses. **During this**  
123 **period, if the charter school fails to meet academic performance or**  
124 **other goals as prescribed in the school's charter, the state board may**  
125 **revoke the charter.**

160.405. 1. A person, group or organization seeking to establish a charter

2 school shall submit the proposed charter, as provided in this section, to a sponsor.  
3 If the sponsor is not a school board, the applicant shall give a copy of its  
4 application to the school board of the district in which the charter school is to be  
5 located and to the state board of education, within five business days of the date  
6 the application is filed with the proposed sponsor. The school board may file  
7 objections with the proposed sponsor, and, if a charter is granted, the school  
8 board may file objections with the state board of education. The charter shall  
9 include a mission statement for the charter school, a description of the charter  
10 school's organizational structure and bylaws of the governing body, which will be  
11 responsible for the policy and operational decisions of the charter school, a  
12 financial plan for the first three years of operation of the charter school including  
13 provisions for annual audits, a description of the charter school's policy for  
14 securing personnel services, its personnel policies, personnel qualifications, and  
15 professional development plan, a description of the grades or ages of students  
16 being served, the school's calendar of operation, which shall include at least the  
17 equivalent of a full school term as defined in section 160.011, and an outline of  
18 criteria specified in this section designed to measure the effectiveness of the  
19 school. The charter shall also [state] **include:**

20 (1) [The educational goals and objectives to be achieved by the charter  
21 school] **An accountability plan, which shall contain a complete set of**  
22 **indicators, measures, metrics, and targets in the following areas:**  
23 **academic program performance, operational program performance,**  
24 **including governance, and, if applicable, elements related specifically**  
25 **to the charter's mission and vision;**

26 (2) A description of the charter school's educational program and  
27 curriculum;

28 (3) The term of the charter, which shall be not less than five years, nor  
29 greater than ten years and shall be renewable;

30 (4) A description of the charter school's pupil performance standards,  
31 which must meet the requirements of subdivision (6) of subsection 5 of this  
32 section. The charter school program must be designed to enable each pupil to  
33 achieve such standards;

34 (5) A description of the governance and operation of the charter school,  
35 including the nature and extent of parental, professional educator, and  
36 community involvement in the governance and operation of the charter school;  
37 [and]

38 (6) A description of the charter school's policies on student discipline and  
39 student admission, which shall include a statement, where applicable, of the  
40 validity of attendance of students who do not reside in the district but who may  
41 be eligible to attend under the terms of judicial settlements; **and**

42 **(7) If the charter school is operated by a management company,**  
43 **a copy of the written contract between the board of directors of the**  
44 **charter school and the educational management organization or the**  
45 **charter management organization for services.**

46 2. Proposed charters shall be subject to the following requirements:

47 (1) **A proposal shall be submitted to the sponsor by August**  
48 **fifteenth of the year prior to the proposed opening date of the charter**  
49 **school;**

50 (2) A charter may be approved when the sponsor determines that the  
51 requirements of this section are met and determines that the applicant is  
52 sufficiently qualified to operate a charter school. The sponsor's decision of  
53 approval or denial shall be made within ninety days of the filing of the proposed  
54 charter;

55 [(2)] (3) If the charter is denied, the proposed sponsor shall notify the  
56 applicant in writing as to the reasons for its denial and forward a copy to the  
57 state board of education within five business days following the denial;

58 [(3)] (4) If a proposed charter is denied by a sponsor, the proposed  
59 charter may be submitted to the state board of education, along with the  
60 sponsor's written reasons for its denial. If the state board determines that the  
61 applicant meets the requirements of this section, that the applicant is sufficiently  
62 qualified to operate the charter school, and that granting a charter to the  
63 applicant would be likely to provide educational benefit to the children of the  
64 district, the state board may grant a charter and act as sponsor of the charter  
65 school. The state board shall review the proposed charter and make a  
66 determination of whether to deny or grant the proposed charter within sixty days  
67 of receipt of the proposed charter, provided that any charter to be considered by  
68 the state board of education under this subdivision shall be submitted no later  
69 than March first prior to the school year in which the charter school intends to  
70 begin operations. The state board of education shall notify the applicant in  
71 writing as the reasons for its denial, if applicable; and

72 [(4)] (5) The sponsor of a charter school shall give priority to charter  
73 school applicants that propose a school oriented to high-risk students and to the

74 reentry of dropouts into the school system. If a sponsor grants three or more  
75 charters, at least one-third of the charters granted by the sponsor shall be to  
76 schools that actively recruit dropouts or high-risk students as their student body  
77 and address the needs of dropouts or high-risk students through their proposed  
78 mission, curriculum, teaching methods, and services. For purposes of this  
79 subsection, a "high-risk" student is one who is at least one year behind in  
80 satisfactory completion of course work or obtaining credits for graduation,  
81 pregnant or a parent, homeless or has been homeless sometime within the  
82 preceding six months, has limited English proficiency, has been suspended from  
83 school three or more times, is eligible for free or reduced-price school lunch, or  
84 has been referred by the school district for enrollment in an alternative  
85 program. "Dropout" shall be defined through the guidelines of the school core  
86 data report. The provisions of this subsection do not apply to charters sponsored  
87 by the state board of education.

88         3. If a charter is approved by a sponsor, the charter application shall be  
89 submitted to the state board of education, along with a statement of finding that  
90 the application meets the requirements of sections 160.400 to 160.420 and section  
91 167.439 and a monitoring plan under which the charter sponsor will evaluate the  
92 academic performance of students enrolled in the charter school. The state board  
93 of education may, within sixty days, disapprove the granting of the charter. The  
94 state board of education may disapprove a charter on grounds that the  
95 application fails to meet the requirements of sections 160.400 to 160.420 and  
96 section 167.349 or that a charter sponsor previously failed to meet the statutory  
97 responsibilities of a charter sponsor.

98         4. Any disapproval of a charter pursuant to subsection 3 of this section  
99 shall be subject to judicial review pursuant to chapter 536.

100         5. A charter school shall, as provided in its charter:

101             (1) Be nonsectarian in its programs, admission policies, employment  
102 practices, and all other operations;

103             (2) Comply with laws and regulations of the state, county, or city relating  
104 to health, safety, and state minimum educational standards, as specified by the  
105 state board of education, including the requirements relating to student discipline  
106 under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal  
107 conduct to law enforcement authorities under sections 167.115 to 167.117,  
108 academic assessment under section 160.518, transmittal of school records under  
109 section 167.020, [and] the minimum number of school days and hours required

110 under section 160.041, **and the employee criminal history background**  
111 **check and the family care safety registry check under section 168.133;**

112 (3) Except as provided in sections 160.400 to 160.420, be exempt from all  
113 laws and rules relating to schools, governing boards and school districts;

114 (4) Be financially accountable, use practices consistent with the Missouri  
115 financial accounting manual, **subject to sections 161.520, 161.525, and**  
116 **161.529**, provide for an annual audit by a certified public accountant, publish  
117 audit reports and annual financial reports as provided in chapter 165, provided  
118 that the annual financial report may be published on the department of  
119 elementary and secondary education's Internet website in addition to other  
120 publishing requirements, **submit an annual financial report as required in**  
121 **section 162.821**, and provide liability insurance to indemnify the school, its  
122 board, staff and teachers against tort claims. A charter school that receives local  
123 educational agency status under subsection 6 of this section shall meet the  
124 requirements imposed by the Elementary and Secondary Education Act for audits  
125 of such agencies. For purposes of an audit by petition under section 29.230, a  
126 charter school shall be treated as a political subdivision on the same terms and  
127 conditions as the school district in which it is located. For the purposes of  
128 securing such insurance, a charter school shall be eligible for the Missouri public  
129 entity risk management fund pursuant to section 537.700. A charter school that  
130 incurs debt must include a repayment plan in its financial plan;

131 (5) Provide a comprehensive program of instruction for at least one grade  
132 or age group from kindergarten through grade twelve, which may include early  
133 childhood education if funding for such programs is established by statute, as  
134 specified in its charter;

135 (6) (a) Design a method to measure pupil progress toward the pupil  
136 academic standards adopted by the state board of education pursuant to section  
137 160.514, **establish baseline student performance during the first year of**  
138 **operation**, collect [baseline data during at least the first three years for  
139 determining how the charter school is performing] **student performance data**  
140 **as defined by the Annual Performance Report (APR) throughout the**  
141 **duration of the charter to annually monitor student academic**  
142 **performance**, and to the extent applicable, participate in the statewide system  
143 of assessments, comprised of the essential skills tests and the nationally  
144 standardized norm-referenced achievement tests, as designated by the state board  
145 pursuant to section 160.518, complete and distribute an annual report card as

146 prescribed in section 160.522, which shall also include a statement that  
147 background checks have been completed on the charter school's board members,  
148 report to its sponsor, the local school district, and the state board of education as  
149 to its teaching methods and any educational innovations and the results thereof,  
150 and provide data required for the study of charter schools pursuant to subsection  
151 4 of section 160.410. No charter school will be considered in the Missouri school  
152 improvement program review of the district in which it is located for the resource  
153 or process standards of the program.

154 (b) For proposed high risk or alternative charter schools, sponsors shall  
155 approve performance measures based on mission, curriculum, teaching methods,  
156 and services. Sponsors shall also approve comprehensive academic and  
157 behavioral measures to determine whether students are meeting performance  
158 standards on a different time frame as specified in that school's charter. Student  
159 performance shall be assessed comprehensively to determine whether a high risk  
160 or alternative charter school has documented adequate student progress. Student  
161 performance shall be based on sponsor- approved comprehensive measures as well  
162 as standardized public school measures. Annual presentation of charter school  
163 report card data to the department of elementary and secondary education, the  
164 state board, and the public shall include comprehensive measures of student  
165 progress.

166 (c) Nothing in this [paragraph] **subdivision** shall be construed as  
167 permitting a charter school to be held to lower performance standards than other  
168 public schools within a district; however, the charter of a charter school may  
169 permit students to meet performance standards on a different time frame as  
170 specified in its charter;

171 (7) Assure that the needs of special education children are met in  
172 compliance with all applicable federal and state laws and regulations;

173 (8) Provide along with any request for review by the state board of  
174 education the following:

175 (a) Documentation that the applicant has provided a copy of the  
176 application to the school board of the district in which the charter school is to be  
177 located, except in those circumstances where the school district is the sponsor of  
178 the charter school; and

179 (b) A statement outlining the reasons for approval or disapproval by the  
180 sponsor, specifically addressing the requirements of sections 160.400 to 160.420  
181 and 167.349.

182           6. The charter of a charter school may be amended at the request of the  
183 governing body of the charter school and on the approval of the sponsor. The  
184 sponsor and the governing board and staff of the charter school shall jointly  
185 review the school's performance, management and operations [at least once every  
186 two years] **during the first and third years of operation and then every**  
187 **other year** or at any point where the operation or management of the charter  
188 school is changed or transferred to another entity, either public or private. The  
189 governing board of a charter school may amend the charter, if the sponsor  
190 approves such amendment, or the sponsor and the governing board may reach an  
191 agreement in writing to reflect the charter school's decision to become a local  
192 educational agency for the sole purpose of seeking direct access to federal grants.  
193 In such case the sponsor shall give the department of elementary and secondary  
194 education written notice no later than March first of any year, with the  
195 agreement to become effective July first. The department may waive the March  
196 first notice date in its discretion. The department shall identify and furnish a list  
197 of its regulations that pertain to local educational agencies to such schools within  
198 thirty days of receiving such notice.

199           7. (1) A sponsor shall revoke a charter or take other appropriate remedial  
200 action, which may include placing the charter school on probationary status, at  
201 any time if the charter school commits a serious breach of one or more provisions  
202 of its charter or on any of the following grounds: failure to meet academic  
203 performance standards as set forth in its charter, failure to meet generally  
204 accepted standards of fiscal management, failure to provide information necessary  
205 to confirm compliance with all provisions of the charter and sections 160.400 to  
206 160.420 and 167.349 within forty-five days following receipt of written notice  
207 requesting such information, or violation of law.

208           (2) The sponsor may place the charter school on probationary status to  
209 allow the implementation of a remedial plan, which may require a change of  
210 methodology, a change in leadership, or both, after which, if such plan is  
211 unsuccessful, the charter may be revoked.

212           (3) At least sixty days before acting to revoke a charter, the sponsor shall  
213 notify the governing board of the charter school of the proposed action in  
214 writing. The notice shall state the grounds for the proposed action. The school's  
215 governing board may request in writing a hearing before the sponsor within two  
216 weeks of receiving the notice.

217           (4) The sponsor of a charter school shall establish procedures to conduct

218 administrative hearings upon determination by the sponsor that grounds exist to  
219 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant  
220 to this subsection are subject to judicial review pursuant to chapter 536.

221 (5) A termination shall be effective only at the conclusion of the school  
222 year, unless the sponsor determines that continued operation of the school  
223 presents a clear and immediate threat to the health and safety of the children.

224 (6) A charter sponsor shall make available the school accountability report  
225 card information as provided under section 160.522 and the results of the  
226 academic monitoring required under subsection 3 of this section.

227 8. A sponsor shall take all reasonable steps necessary to confirm that each  
228 charter school sponsored by such sponsor is in material compliance and remains  
229 in material compliance with all material provisions of the charter and sections  
230 160.400 to 160.420 and 167.349. Every charter school shall provide all  
231 information necessary to confirm ongoing compliance with all provisions of its  
232 charter and sections 160.400 to 160.420 and 167.349 in a timely manner to its  
233 sponsor.

234 9. A school district may enter into a lease with a charter school for  
235 physical facilities.

236 10. A governing board or a school district employee who has control over  
237 personnel actions shall not take unlawful reprisal against another employee at  
238 the school district because the employee is directly or indirectly involved in an  
239 application to establish a charter school. A governing board or a school district  
240 employee shall not take unlawful reprisal against an educational program of the  
241 school or the school district because an application to establish a charter school  
242 proposes the conversion of all or a portion of the educational program to a charter  
243 school. As used in this subsection, "unlawful reprisal" means an action that is  
244 taken by a governing board or a school district employee as a direct result of a  
245 lawful application to establish a charter school and that is adverse to another  
246 employee or an educational program.

247 11. Charter school board members shall be subject to the same liability  
248 for acts while in office as if they were regularly and duly elected members of  
249 school boards in any other public school district in this state. The governing  
250 board of a charter school may participate, to the same extent as a school board,  
251 in the Missouri public entity risk management fund in the manner provided  
252 under sections 537.700 to 537.756.

253 12. Any entity, either public or private, operating, administering, or

254 otherwise managing a charter school shall be considered a quasi-public  
255 governmental body and subject to the provisions of sections 610.010 to 610.035.

256 13. The chief financial officer of a charter school shall maintain:

257 (1) A surety bond in an amount determined by the sponsor to be adequate  
258 based on the cash flow of the school; or

259 (2) An insurance policy issued by an insurance company licensed to do  
260 business in Missouri on all employees in the amount of five hundred thousand  
261 dollars or more that provides coverage in the event of employee theft.

160.415. 1. For the purposes of calculation and distribution of state  
2 school aid under section 163.031, pupils enrolled in a charter school shall be  
3 included in the pupil enrollment of the school district within which each pupil  
4 resides. Each charter school shall report the names, addresses, and eligibility for  
5 free and reduced lunch, special education, or limited English proficiency status,  
6 as well as eligibility for categorical aid, of pupils resident in a school district who  
7 are enrolled in the charter school to the school district in which those pupils  
8 reside. The charter school shall report the average daily attendance data, free  
9 and reduced lunch count, special education pupil count, and limited English  
10 proficiency pupil count to the state department of elementary and secondary  
11 education. Each charter school shall promptly notify the state department of  
12 elementary and secondary education and the pupil's school district when a  
13 student discontinues enrollment at a charter school.

14 2. Except as provided in subsections 3 and 4 of this section, the aid  
15 payments for charter schools shall be as described in this subsection.

16 (1) A school district having one or more resident pupils attending a  
17 charter school shall pay to the charter school an annual amount equal to the  
18 product of the charter school's weighted average daily attendance and the state  
19 adequacy target, multiplied by the dollar value modifier for the district, plus local  
20 tax revenues per weighted average daily attendance from the incidental and  
21 teachers' funds in excess of the performance levy as defined in section 163.011  
22 plus all other state aid attributable to such pupils, **including funds**  
23 **distributed under section 163.087.**

24 (2) The district of residence of a pupil attending a charter school shall also  
25 pay to the charter school any other federal or state aid that the district receives  
26 on account of such child.

27 (3) If the department overpays or underpays the amount due to the  
28 charter school, such overpayment or underpayment shall be repaid by the public

29 charter school or credited to the public charter school in twelve equal payments  
30 in the next fiscal year.

31 (4) The amounts provided pursuant to this subsection shall be prorated  
32 for partial year enrollment for a pupil.

33 (5) A school district shall pay the amounts due pursuant to this subsection  
34 as the disbursal agent and no later than twenty days following the receipt of any  
35 such funds. The department of elementary and secondary education shall pay the  
36 amounts due when it acts as the disbursal agent within five days of the required  
37 due date.

38 3. A workplace charter school shall receive payment for each eligible pupil  
39 as provided under subsection 2 of this section, except that if the student is not a  
40 resident of the district and is participating in a voluntary interdistrict transfer  
41 program, the payment for such pupils shall be the same as provided under section  
42 162.1060.

43 4. A charter school that has declared itself as a local educational agency  
44 shall receive from the department of elementary and secondary education an  
45 annual amount equal to the product of the charter school's weighted average daily  
46 attendance and the state adequacy target, multiplied by the dollar value modifier  
47 for the district, plus local tax revenues per weighted average daily attendance  
48 from the incidental and teachers funds in excess of the performance levy as  
49 defined in section 163.011 plus all other state aid attributable to such pupils,  
50 **including funds distributed under section 163.087.** If a charter school  
51 declares itself as a local education agency, the department of elementary and  
52 secondary education shall, upon notice of the declaration, reduce the payment  
53 made to the school district by the amount specified in this subsection and pay  
54 directly to the charter school the annual amount reduced from the school district's  
55 payment. **The department of elementary and secondary education shall**  
56 **include charter school weighted average daily attendance in the**  
57 **distribution of funds under section 163.087.**

58 5. If a school district fails to make timely payments of any amount for  
59 which it is the disbursal agent, the state department of elementary and secondary  
60 education shall authorize payment to the charter school of the amount due  
61 pursuant to subsection 2 of this section and shall deduct the same amount from  
62 the next state school aid apportionment to the owing school district. If a charter  
63 school is paid more or less than the amounts due pursuant to this section, the  
64 amount of overpayment or underpayment shall be adjusted equally in the next

65 twelve payments by the school district or the department of elementary and  
66 secondary education, as appropriate. Any dispute between the school district and  
67 a charter school as to the amount owing to the charter school shall be resolved by  
68 the department of elementary and secondary education, and the department's  
69 decision shall be the final administrative action for the purposes of review  
70 pursuant to chapter 536. During the period of dispute, the department of  
71 elementary and secondary education shall make every administrative and  
72 statutory effort to allow the continued education of children in their current  
73 public charter school setting.

74 6. The charter school and a local school board may agree by contract for  
75 services to be provided by the school district to the charter school. The charter  
76 school may contract with any other entity for services. Such services may include  
77 but are not limited to food service, custodial service, maintenance, management  
78 assistance, curriculum assistance, media services and libraries and shall be  
79 subject to negotiation between the charter school and the local school board or  
80 other entity. Documented actual costs of such services shall be paid for by the  
81 charter school.

82 7. A charter school may enter into contracts with community partnerships  
83 and state agencies acting in collaboration with such partnerships that provide  
84 services to children and their families linked to the school.

85 8. A charter school shall be eligible for transportation state aid pursuant  
86 to section 163.161 and shall be free to contract with the local district, or any  
87 other entity, for the provision of transportation to the students of the charter  
88 school.

89 9. (1) The proportionate share of state and federal resources generated  
90 by students with disabilities or staff serving them shall be paid in full to charter  
91 schools enrolling those students by their school district where such enrollment is  
92 through a contract for services described in this section. The proportionate share  
93 of money generated under other federal or state categorical aid programs shall  
94 be directed to charter schools serving such students eligible for that aid.

95 (2) A charter school district shall provide the special services provided  
96 pursuant to section 162.705 and may provide the special services pursuant to a  
97 contract with a school district or any provider of such services.

98 10. A charter school may not charge tuition, nor may it impose fees that  
99 a school district is prohibited from imposing.

100 11. A charter school is authorized to incur debt in anticipation of receipt

101 of funds. A charter school may also borrow to finance facilities and other capital  
102 items. A school district may incur bonded indebtedness or take other measures  
103 to provide for physical facilities and other capital items for charter schools that  
104 it sponsors or contracts with. Upon the dissolution of a charter school, any  
105 liabilities of the corporation will be satisfied through the procedures of chapter  
106 355.

107 12. Charter schools shall not have the power to acquire property by  
108 eminent domain.

109 13. The governing body of a charter school is authorized to accept grants,  
110 gifts or donations of any kind and to expend or use such grants, gifts or  
111 donations. A grant, gift or donation may not be accepted by the governing body  
112 if it is subject to any condition contrary to law applicable to the charter school or  
113 other public schools, or contrary to the terms of the charter.

160.420. 1. Any school district in which charter schools may be  
2 established under sections 160.400 to 160.420 shall establish a uniform policy  
3 which provides that if a charter school offers to retain the services of an employee  
4 of a school district, and the employee accepts a position at the charter school, an  
5 employee at the employee's option may remain an employee of the district and the  
6 charter school shall pay to the district the district's full costs of salary and  
7 benefits provided to the employee. The district's policy shall provide that any  
8 teacher who accepts a position at a charter school and opts to remain an employee  
9 of the district retains such teacher's permanent teacher status and retains such  
10 teacher's seniority rights in the district for three years. The school district shall  
11 not be liable for any such employee's acts while an employee of the charter school.

12 2. A charter school may employ noncertificated instructional personnel;  
13 provided that no more than twenty percent of the full-time equivalent  
14 instructional staff positions at the school are filled by noncertificated personnel.  
15 All noncertificated instructional personnel shall be supervised by certificated  
16 instructional personnel. A charter school that has a foreign language immersion  
17 experience as its chief educational mission, as stated in its charter, shall not be  
18 subject to the twenty-percent requirement of this subsection but shall ensure that  
19 any teachers whose duties include instruction given in a foreign language have  
20 current valid credentials in the country in which such teacher received his or her  
21 training and shall remain subject to the remaining requirements of this  
22 subsection. The charter school shall ensure that all instructional employees of  
23 the charter school have experience, training and skills appropriate to the

24 instructional duties of the employee, and the charter school shall ensure that a  
25 criminal background check and [child abuse] **family care safety** registry check  
26 are conducted for each employee of the charter school prior to the hiring of the  
27 employee **under the requirements of section 168.133**. The charter school  
28 may not employ instructional personnel whose certificate of license to teach has  
29 been revoked or is currently suspended by the state board of  
30 education. Appropriate experience, training and skills of noncertificated  
31 instructional personnel shall be determined considering:

- 32 (1) Teaching certificates issued by another state or states;
- 33 (2) Certification by the National Standards Board;
- 34 (3) College degrees in the appropriate field;
- 35 (4) Evidence of technical training and competence when such is  
36 appropriate; and
- 37 (5) The level of supervision and coordination with certificated  
38 instructional staff.

39 3. Personnel employed by the charter school shall participate in the  
40 retirement system of the school district in which the charter school is located,  
41 subject to the same terms, conditions, requirements and other provisions  
42 applicable to personnel employed by the school district. For purposes of  
43 participating in the retirement system, the charter school shall be considered to  
44 be a public school within the school district, and personnel employed by the  
45 charter school shall be public school employees. In the event of a lapse of the  
46 school district's corporate organization as described in subsections 1 and 4 of  
47 section 162.081, personnel employed by the charter school shall continue to  
48 participate in the retirement system and shall do so on the same terms,  
49 conditions, requirements and other provisions as they participated prior to the  
50 lapse.

51 4. The charter school and a local school board may agree by contract for  
52 services to be provided by the school district to the charter school. The charter  
53 school may contract with any other entity for services. Such services may include  
54 but are not limited to food service, custodial service, maintenance, management  
55 assistance, curriculum assistance, media services and libraries and shall be  
56 subject to negotiation between the charter school and the local school board or  
57 other entity. Documented actual costs of such services shall be paid for by the  
58 charter school.

59 5. A charter school may enter into contracts with community partnerships

60 and state agencies acting in collaboration with such partnerships that provide  
61 services to children and their families linked to the school.

62           6. A charter school shall be eligible for transportation state aid pursuant  
63 to section 163.161 and shall be free to contract with the local district, or any  
64 other entity, for the provision of transportation to the students of the charter  
65 school.

66           7. (1) The proportionate share of state and federal resources generated  
67 by students with disabilities or staff serving them shall be paid in full to charter  
68 schools enrolling those students by their school district where such enrollment is  
69 through a contract for services described in this section. The proportionate share  
70 of money generated under other federal or state categorical aid programs shall  
71 be directed to charter schools serving such students eligible for that aid.

72           (2) A charter school district shall provide the special services provided  
73 pursuant to section 162.705 and may provide the special services pursuant to a  
74 contract with a school district or any provider of such services.

75           8. A charter school may not charge tuition, nor may it impose fees that a  
76 school district is prohibited from imposing.

77           9. A charter school is authorized to incur debt in anticipation of receipt  
78 of funds. A charter school may also borrow to finance facilities and other capital  
79 items. A school district may incur bonded indebtedness or take other measures  
80 to provide for physical facilities and other capital items for charter schools that  
81 it sponsors or contracts with. Upon the dissolution of a charter school, any  
82 liabilities of the corporation will be satisfied through the procedures of chapter  
83 355.

84           10. Charter schools shall not have the power to acquire property by  
85 eminent domain.

86           11. The governing body of a charter school is authorized to accept grants,  
87 gifts or donations of any kind and to expend or use such grants, gifts or  
88 donations. A grant, gift or donation may not be accepted by the governing body  
89 if it is subject to any condition contrary to law applicable to the charter school or  
90 other public schools, or contrary to the terms of the charter.

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